

CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, JUNE 7, 1995
7:00 P.M.

1. ROLL CALL

Present: Council Members - Davenport, Pennino, Sieglock, Warner and Mann (Mayor)

Absent: Council Members - None

Also Present: City Manager Peterson, Assistant City Manager Glenn, Community Development Director Schroeder, Public Works Director Ronsko, Interim City Attorney Stovall and Acting City Clerk Taylor

2. INVOCATION

The invocation was given by Pastor Lyle Morris, Salvation Army.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Mann.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Mr. Peterson wished Lyle Morris best of luck as he left the Lodi area for a new position in Hanford, and recognized Pastor Morris for his dedication and service to the Lodi Salvation Army and the community.
- b) Mayor Mann introduced Mr. John Stovall, who will act as the Interim City Attorney during the selection process for replacement of Mr. Bob McNatt, who has recently been appointed a Superior Court Judge for San Joaquin County.
FILE NO. CC-6
- c) Mr. Calvin Yamada and representatives from the California EPA Toxic Substance Division presented the keys to a new hazardous materials vehicle Mayor Mann and the Lodi Fire Department. Mr. Yamada informed Council the vehicle was purchased with State grant funds. and thanked Chief Howard and the staff of the Lodi Fire Department. Chief Howard noted the vehicle will be on display for public viewing at upcoming community events including Field and Fair Day.
FILE NO. CC-7(f), CC-112 and CC-175
- d) Mr. J. Jeffrey Kirst and Mr. Chad Meyer were present to provide Council with a brief report on the Lodi Sports Foundation, and the need for additional sports facilities in Lodi. Mr. Kirst reported he has filed articles of incorporation and has received donations from several businesses in support of the foundation, and encouraged Council to not only support the program, but assign Ron Williamson, Parks and Recreation Director, as city liaison to the foundation. Mr. Meyer encouraged Council to support the Lodi Sports Foundation which will interface with Council and the Recreation Commission with one goal: raising money to build needed sports facilities in Lodi, and commended Mr. Kirst for his initiative in taking such a strong role in this project.
- e) City Manager Peterson introduced two new employees with the City of Lodi, Alan Vallow, Electric Utility Director, and Tony Goehring, Economic Development Coordinator.
FILE NO. CC-6 and CC-34

408

June 7, 1995 Continued

5. CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, Council, on motion of Council Member Pennino, Warner second, unanimously approved the following items hereinafter set forth **except those otherwise noted**:

- a) Claims were approved in the amount of \$4,145,869.84.
FILE NO. CC-21(a)
- b) The Minutes of May 17, 1995 (Regular Meeting) were approved as written.
- c) Adopted Resolution No. 95-67 approving reclassification of one Community Service Officer to Police Volunteer Supervisor, and adopting a new class specification and salary range.
FILE NO. CC-34, CC-152 and CC-300
- d) Accepted the improvements under the "Blakely Park Pool Resurfacing, 1050 South Stockton Street" contract, and directed the City Engineer to file a Notice of Completion with the County Recorder's office.
FILE NO. CC-27(c) and CC-90
- e) Adopted Resolution No. 95-68 awarding the contract for Lodi Lake Nature Trail to Don Lawley Company, Inc., Stockton, in the amount of \$14,300.
FILE NO. CC-12(a), CC-27(c), CC-90 and CC-300
- f) Agenda Item #E-6 entitled, "Contract Award for Almond Drive Street Improvements, Stockton Street to Cherokee Lane" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar. (Removed by Council Member Davenport)
- g) Agenda Item #E-7 entitled, "Contract Award and Rejection of Non-Responsive Bids for Civic Center Improvements (Phase II), City Hall Remodel" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar. (Removed by Council Member Mann)
- h) Adopted Resolution No. 95-71 approving renewal of the existing Landscape Maintenance Contract for Fiscal Year 1995-96 (approximately \$43,000) to Ireland Landscape Company, Inc., Stockton.
FILE NO. CC-27(a), CC-90 and CC-300
- i) Adopted Resolution No. 95-72 awarding the contract for Asphalt Materials for Fiscal Year 1995-96, totaling \$100,290, as follows:

Item A - F.O.B. Plant	Granite Construction, Stockton
Item B - Stockpile City Limits	American River Asphalt, Folsom
Item C - Hopper of Paver	F.T.G. Construction, Lodi

 FILE NO. CC-45(a), CC-90 and CC-300
- j) Adopted Resolution 95-73 awarding all three items of the contract for Rock and Sand Material for Fiscal Year 1995-96 to Granite Construction, Stockton.
FILE NO. CC-45(a), CC-90 and CC-300
- k) Authorized advertisement for bids for the sale of vacant surplus city property at 1775 South Church Street on a continuous basis until the property is sold, with proceeds to be refunded to the Gas Tax Account (which originally funded purchase of the property) and utilized for street purposes.
FILE NO. CC-45(a), CC-161 and CC-177

June 7, 1995 Continued

- l) Appropriated \$20,000 from the Street Development Impact Mitigation Fund for the Thurman Street crossing at the Central California Traction Company (CCT) railroad tracks, and authorized Public Works Director to have the work completed by the CCT.
FILE NO. CC-7(h), CC-21(a), CC-56 and CC-158
- m) Approved the specifications and authorized advertisement for bids for the purchase of 384 electric watt-hour meters for the Electric Utility Department for new housing developments as well as replacement of existing obsolete and deteriorated meters.
FILE NO. CC-12.1(c), CC-21(a) and CC-51(d)
- n) Approved the specifications and authorized advertisement for bids for 30,000 feet of #2AWG and 22,500 feet of 750Kcmil underground primary conductor for the Electric Utility Department's use in new residential and commercial subdivisions, as well as providing inventory for routine or emergency maintenance of existing electrical system.
FILE NO. CC-12.1(c), CC-47 and CC-51(d)
- o) Agenda Item #E-15 entitled, "Request for Attorney General's Opinion Regarding the Applicability of Public Resources Code Section 5164 and Education Code Section 10911.5 to City Parks and Recreation Youth Sports Programs and the Boosters of Boys and Girls Sports (BOBS)" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar. (Removed by Council Member Warner)
- p) Adopted Resolution No. 95-75 declaring weeds a public nuisance and initiating abatement proceedings on various parcels throughout the City, and further, set the matter for public hearing for the regular City Council meeting of June 21, 1995.
FILE NO. CC-27(a), CC-112 and CC-158
- q) Assistant City Manager Glenn provided Council with a copy of the annual Unmet Transit needs report prepared by the San Joaquin County Council of Governments (COG), pointing out the report concludes "there are no unmet transit needs in Lodi at this time".
FILE NO. CC-6, CC-7(n) and CC-50(b)
- r) Adopted Resolution No. 95-76 authorizing a one year extension to the contract with Enforcement Technology for the processing of parking citations at a fee of approximately \$5,000.
FILE NO. CC-56, CC-90, CC-150 and CC-300
- s) Approved waiving the business tax, in part, for vendors who do not have a business license, and who will participate at the "Lodi Pet Fair" sponsored by the Animal Friends Connection and Animal Friends Humane Society on June 18, 1995 at the Lodi Festival Grounds, and further, set a fee of \$3.75 per vendor per day for the event.
FILE NO. CC-65, CC-132 and CC-177

6. ITEMS REMOVED FROM CONSENT CALENDAR

- a) Council, on motion of Council Member Warner, Sieglock second, adopted Resolution No. 95-69 awarding the contract for Almond Drive Street Improvements, Stockton Street, to George Reed, Inc., Lodi, in the amount of \$103,379, by the following vote:

Ayes: Council Members - Pennino, Sieglock, Warner and Mann (Mayor)
 Noes: Council Members - None
 Absent: Council Members - None
 Abstain: Council Members - Davenport

FILE NO. CC-12(a), CC-45(a), CC-90 and CC-300

- b) Council, on motion of Council Member Warner, Davenport second, adopted Resolution No. 95-70 rejecting the non-responsive bids from The McDonald Glenn Company and Broward Brothers, Inc., and awarding the contract for Civic Center Improvements (Phase II), City Hall Remodel to Leslie G. Delbon Company, Inc., Sonora, in the amount of \$1,853,310 (Base Bid plus Bid Alternates B and C), by the following vote:

Ayes: - Council Members - Davenport, Pennino, Sieglock, Warner
and Mann (Mayor)

Noes: Council Members - None

Absent: Council Members - None

Speaking on the matter were the following:

- 1) Mr. Glen McDonald, 22221 Oleander, Manteca, representing the McDonald Glenn Company, spoke in opposition to Council awarding the bid as recommended by staff, and requested Council consider rejecting the bids and rebidding the project.
- 2) Judy Delbon, P.O. Box 3127 Sonora, CA, spoke in favor of Council concur with staff recommendation and award the contract to Leslie G. Delbon Company, Inc.

FILE NO. CC-12(b), CC-12(c), CC-81, CC-90 and CC-300

- c) Council, on motion of Council Member Warner, Davenport second, unanimously tabled "Request for Attorney General's opinion regarding applicability of Public Resources Code §5164 and Education Code §10911.5 to City Parks and Recreation youth sports programs and the Boosters of Boys and Girls Sports (BOBS)", until the next regular Council meeting, and directed staff to submit alternative options for approval at that time.
FILE NO. CC-11(a), CC-40

7. PUBLIC HEARINGS

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Mann called for the Public Hearing to consider Reimbursement Agreement #RA-95-03 for Public Improvements for Century Meadows Three, Units 1, 2 and 3.

Hearing Opened to the Public

1. Steve Pechin, 323 West Elm Street, Baumbach & Piazza, spoke in support of the reimbursement agreement.

Public Portion of Hearing Closed

ACTION:

City Council, on motion of Sieglock, Pennino second, approved Reimbursement Agreement #RA-95-03 for Public Improvements for Century Meadows Three, Units 1, 2 and 3, by the following vote:

Ayes: Council Members - Davenport, Pennino, Sieglock, Warner and Mann (Mayor)

Noes: Council Members - None

Absent: Council Members - None

FILE NO. CC-56 and CC-90

44

June 7, 1995 Continued

8. CLOSED SESSION

a) Pending Litigation - City of Lodi v. Ramsey/Preszler

Interim City Attorney Stovall advised Council that mediation, to take place on Thursday, June 8, 1995, required Council's consideration and action regarding Ramsey/Preszler, in reference to Government Code Section 54954.2(b).

Council, on motion of Council Member Mann, Davenport second, determined a need to take immediate action regarding the case of Ramsey/Preszler, and further determined the item came to their attention only after the agenda was completed [Government Code Section 54956.9(a)], by the following vote:

Ayes: Council Members - Davenport, Pennino, Sieglock, Warner
and Mann (Mayor)
Noes: Council Members - None
Absent: Council Members - None

9. RETURN TO OPEN SESSION, DISCLOSURE OF ACTION

Pending Litigation - City of Lodi v. Ramsey/Preszler

No final action on closed session matter.

10. RECESS

Mayor Mann declared a ten minute recess and the City Council meeting reconvened at approximately 8:13 p.m.

11. PUBLIC HEARINGS (Continued)

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Mann called for the Public Hearing to consider appeal from Terry Knutson on behalf of Cottage Bakery, Inc. regarding required fire sprinklers for building located at 203 South School Street.

Hearing Opened to the Public

1. Terry Knutson, 24 North Almond Drive, representing Cottage Bakery, Inc., spoke in favor of the appeal.

Public Portion of Hearing Closed

ACTION:

Council, on motion of Council Member Pennino, Warner second, directed staff to amend fire code language to more closely reflect state regulations regarding fire sprinkler systems and distinguish between new and remodel/renovation projects; directed the Building Inspector and Fire Chief, to meet with Mr. Knutson and his architect regarding

412

June 7, 1995 Continued

possible alternative remodeling plans; and encouraged staff to explore the offering of revitalization program incentives in the future toward this and similar projects, by the following vote:

Ayes: Council Members - Davenport, Pennino and Warner
Noes: Council Members - Sieglock and Mann (Mayor)
Absent: Council Members - None

FILE NO. CC-72 and CC-112

10. COMMUNICATIONS (CITY CLERK)

- a) On recommendation of the City Attorney and the City's contract administrator, Insurance Consulting Associates, Inc. (ICA), the City Council, on motion of Council Member Warner, Sieglock second, unanimously rejected the following claims and referred them back to ICA:

1. Dorothy C. Karabetsos, date of loss 3/15/95
2. Pacific Bell, date of loss 10/20/94
FILE NO. CC-4(c)

- b) The following reports were presented to the City Council:

1. Planning Commission report of May 22, 1995

Council, on motion of Council Member Sieglock, Pennino second, set public hearing for July 5, 1995 to consider Planning Commission's recommendations for General Plan Amendment GPA-LU 95-3 to redesignate the parcel at 2801 West Turner Road (APN 015-230-39) from NCC, Neighborhood-Community Commercial to LDR, Low Density Commercial, to rezone the parcel at 2801 West Turner Road (APN 015-230-39) from C-S, Commercial Shopping to R-1, Single-Family Residential, and to certify the filing of a Negative Declaration by the Community Development Director as adequate environmental documentation on the above projects, by the following vote:

Ayes: Council Members - Davenport, Pennino, Sieglock Warner
and Mann (Mayor)
Noes: Council Members - None
Absent: Council Members - None

FILE NO. CC-35(a), CC-35(c) and CC-53(a)

- c) City Clerk Taylor informed Council of receipt of Application No. 95-005-016 filed by Pacific Gas & Electric with the California Public Utilities Commission outlining annual cost of capital, PG&E's cost of acquiring funds to finance company operations and capital investigations. (Council Member Sieglock requested the City Clerk forward a copy of all future PG&E applications to Electric Utility Director Vallow for review.)
FILE NO. CC-7(t)

11. RECESS

Mayor Mann declared a ten minute recess and the City Council meeting reconvened at approximately 10:25 p.m.

12. REGULAR CALENDAR

- a) Council, on motion of Council Member Sieglock, Mann second, approved the request of Daniels C. Logue Development and Construction, Inc. for a use permit to rehabilitate the Lodi Hotel, converting portions of the hotel to senior citizen studio and one bedroom apartments with common areas for recreation, visiting etc., by the following vote:

Ayes: Council Members - Davenport, Pennino, Sieglock, Warner and Mann (Mayor)
Noes: Council Members - None
Absent: Council Members - None

Speaking on the matter were the following:

- 1) Barbara McWilliams, President of the Lodi Downtown Business Association (LDBA), spoke in favor of the project, but expressed some LDBA members had voiced concern regarding downtown residential housing, a lack of adequate parking, and regulatory agreements to safeguard the integrity of the project.
- 2) Kevin Suess, P.O. Box 667, Lodi, spoke in opposition to the project, and expressed concern that the project may not find a necessary need within the Lodi community since he represents Lodi properties of a similar nature which are currently vacant.
- 3) Tony Segale, 215 Palomar Drive, Lodi, representing the Revitalization Task Force, spoke in opposition to issuance of the proposed use permit and encouraged Council to review possible alternative projects and ideas.
- 4) Eileen St. Yves, 310 South Orange Street, spoke in opposition to the project concurred and encouraged Council to consider and review other possible options.
- 5) Ed Richter, LDBA member and owner of the Lodi Barber Shop, spoke in favor of the project stating people would live in this kind of secured environment, and urged Council to consider parking concerns in conjunction with the project.
- 6) Colleen Dixon, 333 Hilborn, spoke in support of the hotel with the City enforcing strict guidelines to ensure the hotel remain in good order as proposed.
- 7) Norman Bechtel, 101 West Locust, spoke in favor of the project and expressed concern that if nothing is completed with the building soon, safety will be an issue.
- 8) Elaine Hecker, Gary's Lounge, spoke in favor of the project, noting that the building in its present conditions is unsafe and requires immediate attention.
- 9) Duane Simpfenderfer spoke on behalf of Tokay Players, spoke in favor of the project, reminding Council of Mr. Youssefi's recent informational presentation.
- 10) Judy Peterson, 15 Downtown Mall, spoke in opposition to the project, expressing concern with a residential project being placed in a business area.
- 11) Don Ochs, 1812 Burgundy, Lodi, representing Senior Citizens Commission, spoke in favor of the project, stating it would provide needed affordable housing for our senior citizens, and would appear to be a fine facility to attract desirable tenants.
- 12) Cyrus Youssefi, representing Daniels C. Logue Development and Construction, Inc., spoke in favor of the project.

FILE NO. CC-14(a), CC-33, CC-72 and CC-90

13. VOTE TO CONTINUE WITH REMAINDER OF MEETING FOLLOWING 11 PM HOUR

The City Council, on motion of Council Member Sieglock, Davenport second, unanimously determined it would continue with the remainder of the meeting following the 11:00 p.m. hour.

14. REGULAR CALENDAR (Continued)

- a) Public Works Director Ronsko presented Council with information regarding the East San Joaquin Parties/East Bay Municipal Utility District (EBMUD) Joint Conjunctive Use Project. Further, Mr. Ronsko provided Council with a copy of the agreement initiating a preliminary study, and informed Council the City of Lodi would be asked to sign the Agreement at a later date, with all costs under the agreement to be the responsibility of EBMUD and San Joaquin County.

FILE NO. CC-7(b) and CC-90

- b) Council, on motion of Council Member Sieglock, Warner second, adopted Resolution No. 95-74 awarding a 2-year contract for Abandoned Vehicle Towing Franchise to Stubbs Pro Tow, by the following vote:

Ayes: Council Members - Pennino, Sieglock, Warner and Mann (Mayor)

Noes: Council Members - Davenport

Absent: Council Members - None

Speaking on the matter were the following:

1. Gary Guthrie, P.O. Box 1240, Lodi, spoke in support of Council awarding the towing franchise to Stubbs Pro Tow.
2. Dan Votaw, 508 Santee Court, representing Plummer Pontiac, spoke in opposition to the towing franchise being awarded to Stubbs Pro Tow, and requested Council consider waiving the ordinance requirement of a dismantler's license.
3. Mike Cofey, Pacific Towing, 1533 South Stockton Street, spoke in opposition to Council awarding the towing franchise to Stubbs Pro Tow.

FILE NO. CC-152 and CC-300

- c) Council, on motion of Council Member Pennino, Warner second, approved the City joining amicus briefs for various pending cases involving issues of concern to the City (specifically, Ehrlich v. Culver City, California Beverage Retailers v. Oakland, and Loder v. Glendale), by the following vote:

Ayes: Council Members - Pennino, Sieglock, Warner and Mann (Mayor)

Noes: Council Members - Davenport

Absent: Council Members - None

FILE NO. CC-4(a) and CC-6

15. ORDINANCES

- a) None.

16. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- a) Susan Holmquist, representing California Waste Removal Systems, announced upcoming "Lodi Pride - Community Wide" cleanups offered between June 13 and July 7, 1995. Several advertisements in the newspaper will alert residents to specific time frames, cleanup schedules, and locations for pickup. Residential curbside pickups will be done, and drop-off locations for disposal of larger household items will be announced, with no additional charges to be made for these services. Ms. Holmquist further announced "Dollar Dump Day" will be held on June 17, 1995 from 8:00 a.m. to 4:00 p.m. at the California Waste facility for all Lodi residents (no commercial customers).

17. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- a) Council Member Pennino asked that Council direct staff, specifically the Building Inspector and Fire Chief, to formulate recommendations toward a streamlined permit request procedure, and to return to Council with recommendations at the second meeting in July. Council concurred with Mr. Pennino's request.
- b) Council Member Davenport thanked everyone for coming to the meeting and commented on the following: 1) reminded citizens to be ever mindful of gangs; 2) reported the Boys and Girls Club is moving along and encouraged everyone to go by and take a look at their progress; 3) commented that although Public Works has eliminated personnel to include a street sweeper and the tree trimmers, there are adequate people and resources to address the downtown area with regard to dirty alleys, trash and tree maintenance; 4) and asked citizens to provide suggestions to Public Works Director or the Street Superintendent on ways we can alleviate the problem of alleys and trash in the downtown area.
- c) Council Member Mann announced that recently Assembly Bill 318, restricting cities with their own utilities from transferring profits from the electrical department to their general fund, has been discussed in Sacramento. Mr. Mann stated this profit amounts to several million dollars in the City of Lodi each year, and pays for virtually everything sales tax does not cover including Parks and Recreation, Hutchins Street Square, Lodi Library, etc., and further remarked that if we lost that funding due to this assembly bill, the City would be in a serious financial hardship. Mr. Mann encouraged all citizens to contact assembly and senate representatives and voice opposition to Assembly Bill 318 before it's too late.
- d) City Manager Peterson requested Council direction in calling and writing on behalf of the City of Lodi to voice opposition to Assembly Bill 318. Council concurred with Mr. Peterson's recommendation, and directed staff to draft a resolution for approval at the June 21, 1995 meeting.

18. CLOSED SESSION

- a) Labor Relations - United Firefighters of Lodi (UFL), San Joaquin Public Employees Association (SJPEA) for General Services and Maintenance and Operators, and Lodi Police Dispatchers Association (LPDA)
Negotiator: Assistant City Manager Jerry L. Glenn
- b) Pending Litigation - Romero v. City of Lodi [Government Code Section 54954.2]
- c) Threatened Litigation - State of California v. City of Lodi et al.

19. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

Labor Relations - United Firefighters of Lodi (UFL), San Joaquin Public Employees Association (SJPEA) for General Services and Maintenance and Operators, and Lodi Police Dispatchers Association (LPDA)

No final action was taken on this matter.
FILE NO. CC-200(a)

Pending Litigation - Romero v. City of Lodi [Government Code Section 54954.2]

No final action was taken on this matter.
FILE NO. CC-200(d)

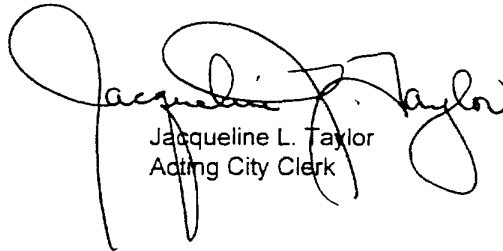
Threatened Litigation - State of California v. City of Lodi et al.

No final action was taken on this matter.
FILE NO. CC-200(d)

20. ADJOURNMENT

There being no further business to come before the City Council, Mayor Mann adjourned the meeting at approximately 1:08 a.m. on Thursday, June 8, 1995.

ATTEST:



Jacqueline L. Taylor
Acting City Clerk